

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN RAFAEL ELEMENTARY SCHOOL  
DISTRICT,

No C 03-5783 VRW

ORDER

Plaintiff,

v

CALIFORNIA SPECIAL EDUCATION  
HEARING OFFICE,

Defendant,

and

A K, a minor,

Real Party in Interest.

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The court stayed proceedings in this matter pending the Supreme Court's decision in Schaffer ex rel Schaffer v Weast, 125 S Ct 1300 (2005). Doc #115. The court is in receipt of counsel's letter informing the court that the Supreme Court has rendered its decision, 126 S Ct 528 (2005), and requesting leave to submit supplemental briefing. The clerk is DIRECTED to file counsel's

1 letter.

2 Counsel's request is well taken, given that the Supreme  
3 Court's decision appears, in effect, to abrogate Clyde K v Puyallup  
4 Sch Dist No 3, 35 F3d 1396 (9th Cir 1994), which placed the burden  
5 of proof at the administrative level upon the school district. The  
6 request for leave to submit supplemental briefing is accordingly  
7 GRANTED. The parties are invited to submit simultaneous briefing  
8 regarding the effect of Schaffer upon this matter. Briefing shall  
9 not exceed twelve pages and shall be submitted on or before January  
10 20, 2006.

11 The parties are ORDERED to appear for a further case  
12 management conference on February 7, 2006, at 9:00 am, or at such  
13 other time as the parties may mutually arrange with the courtroom  
14 deputy, Ms Cora Delfin, 415-522-2039. The parties shall submit a  
15 case management statement in conformance with Civ L R 16-10(d).

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17 IT IS SO ORDERED.

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20 VAUGHN R WALKER

21 United States District Chief Judge  
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